

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

The Patriot Law Firm Corporation, and  
Atkinson, Watkins & Hoffman, LLP,

Case No. 2:23-cv-01673-CDS-EJY

## Order Granting Plaintiffs / Lien Claimants' Request for Attorneys' Fees and Costs

### Plaintiffs / Lien Claimants

1

Jesse Castillo

Defendant / Lien Respondent

10 The Court previously determined that defendant / lien respondent, Jesse Castillo,  
11 improperly removed this case (ECF No. 11) because he is the plaintiff who commenced his action  
12 in the state court. Castillo's removal also delayed a previously scheduled state court hearing.  
13 Castillo's improper removal has, in turn, necessitated an unnecessary expenditure of resources  
14 by plaintiffs / lien claimants. See ECF No. 7 at 9. Accordingly, I grant plaintiffs / lien claimants'  
15 request for attorney fees and costs pursuant to 28 U.S.C. § 1447(c).

## I. Discussion

17 On November 21, 2023, I granted plaintiffs / lien claimants motion to remand and motion  
18 for attorneys' fees after finding that Castillo had improperly removed this action. ECF No. 11. On  
19 December 13, 2023, plaintiffs / lien claimants submitted their first proposed order for attorney  
20 fees and costs. ECF No. 13. That request for attorney fees and costs totaled \$5,000.00. *Id.* at 2.  
21 However, because plaintiffs / lien claimants failed to include supporting documentation from  
22 which the court could determine whether the requested amount is reasonable, I denied the first  
23 proposed order without prejudice and ordered counsel to re-submit it with supporting  
24 documentation. ECF No. 14; *see Hensley v. Eckerhart*, 461 U.S. 424, 433–34, 437 (1983) (the  
25 prevailing party bears the burden of proving that the amount sought is reasonable).

1 On January 4, 2024, counsel timely filed a new proposed order with proper supporting  
 2 documentation. ECF No. 16. However, the total in the second proposed order is \$6,990.00. *Id.* at  
 3 2. Though counsel expresses that this amount is limited to work on this action through entry of  
 4 the court's November 21, 2023 order, it does not explain the \$1,990.00 fee increase. *See generally id.*

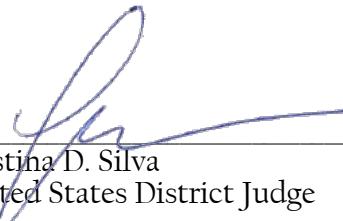
5 Under 28 U.S.C. § 1447I, a removal order may award "payment of just costs and any  
 6 actual expenses, including attorney fees" that a party incurred as a result of an improper  
 7 removal. Courts have "a great deal of discretion and flexibility" to issue attorney fees under 28  
 8 U.S.C. § 1447(c). *Sokola v. Weinstein*, 2020 WL 3605578, at \*18 (S.D.N.Y. July 2, 2020) (quoting  
 9 *Martin v. Franklin Cap. Corp.*, 546 U.S. 132, 138-39 (2005)). "Absent unusual circumstances, courts  
 10 may award attorney's fees under § 1447(c) only where the removing party lacked an objectively  
 11 reasonable basis for seeking removal. Conversely, when an objectively reasonable basis exists,  
 12 fees should be denied." *Martin*, 546 U.S. at 141 (internal citations omitted). Furthermore, in  
 13 reaching my final disposition of attorney's fees and costs, I am expected to provide "a concise but  
 14 clear explanation of its reasons for the fee award." *Hensley*, 461 U.S. at 437.

15 Here, while the invoice total is \$6,990.00 (Invoice, ECF No. 15-5), I cannot reconcile the  
 16 \$1,990.00 fee increase between the first and second proposed order. Upon reviewing Fed. R. Civ.  
 17 P. 54(d)(2)(B) and the factors set forth in LR 54-14, including the Court's own observation of  
 18 the quality of the filings, as well as the experience, reputation, and ability of the attorneys for  
 19 plaintiffs / lien claimants, and supporting documentation, I hereby awards plaintiffs / lien  
 20 claimants the reasonable sum of \$5,000.00 as attorneys' fees against Castillo.

21 **II. Conclusion**

22 The Clerk of Court is therefore ordered to enter an order granting attorneys' fees and  
 23 costs in the amount of \$5,000 to plaintiffs / lien claimants, The Patriot Law Firm Corporation,  
 24 and Atkinson, Watkins & Hoffman, LLP.

25 Dated: March 6, 2024

  
 26 Cristina D. Silva  
 United States District Judge